

OVERSIGHT HEARING

The President's Fiscal Year 2013 Budget for Native Programs

United States Senate Committee on Indian Affairs (SCIA)

Thursday, March 8 2012

2:15PM

Senate Dirksen Building 628

The Honorable Robert Shepherd, Chairman

Sisseton Wahpeton Oyate, on behalf of Great Plains Tribal Chairman's Association,
Rapid City, SD

Good afternoon, to the Distinguished Chairman, Senator Daniel Akaka and Vice-Chairman, Senator Barrasso and to our own South Dakota Senator Tim Johnson. I am honored to be here to represent testimony for our 16 Sovereign tribal nations from North Dakota, South Dakota and Nebraska who comprise the Great Plains Tribal Chairman's Association. (GPTCA) As Chairman of the Sisseton Wahpeton Oyate, I am pleased to share on views on various budget policy matters vital to our communities' and our Oyate/People.

The Great Plains Tribal Chairman's Association was formed to promote the common interests of the 16 sovereign tribes and nations of the Great Plains region. The Great Plains tribes have the largest geographical land base of any region in the United States. The total acreage within all Indian reservations and tribal lands in the Great Plains region is over 11,036,490 acres. Further, the Great Plains tribes hold over one-third of the country's trust allotments and tribal trust land tracts. The Great Plains tribes have a total population of over 189,000 people, second only to the Navajo Nation.

All of the member tribes of the GPTCA have all entered into solemn treaties with the United States. Many of our member tribes are constituent bands of the Great Sioux Nation, which entered the Fort Laramie Treaty of 1868, in this treaty and others, our tribes formed nation-to-nation alliances with the United States. In these treaties, the United States recognized and secured our native homelands and our preexisting rights of self-government and self-determination. The Tribe's have fulfilled their treaty obligations, but the United States Government has not.

Today, we are proud of our Nations because they carry out true sovereignty and self-governance even if we are not adequately funded. As fully functioning units of government and Direct Service tribes, we operate our own schools, Colleges, law enforcement, courts, land and fire protection programs, Hospitals and governmental offices which require adequate, predictable funding which is available every day of the fiscal year. The Oglala Sioux Tribe is larger than the states of Connecticut and Rhode Island. No unit of government can, or should ever be, asked to operate any of these services on competitive grants. We therefore call upon the Congress to maintain the BIA and the IHS budgets to the level necessary to allow them to play their proper roles as the principal providers of funding for tribal governmental services. This will allow the Indian programs operated by agencies like DOJ, DOT and the Department of Energy to play the supplemental funding roles that they were intended to play when their Indian programs or Indian funding eligibility criteria were created.

The federal budgets provided to the Bureau of Indian Affairs and the Indian Health Service has never come close to meeting the actual needs of our Great Plains Tribes and their members.

To make matters worse, over the course of the last 20 years, the BIA's and the IHS' already underfunded budgets have not kept pace with inflation, nor have they been increased to adequately address the increases in service populations. Instead of increasing the BIA's or the IHS' budget to address these problems, OMB and the Congress have chosen instead to encourage the Tribes to apply for competitive grants from federal agencies to make up for this serious shortfall. Most of these grants are short-term funding opportunities. Tribes are forced to design their programs around the grant requirements, instead of focusing on their actual needs. The overall result is half funded efforts difficult to administer, and fail to bring the results. Add to this the fact that tribes often have to wait until well into the second or third quarter of the fiscal year to learn if these grant dollars will be awarded, how much they will receive, and what those funds can be used for. No government should be asked to operate its core programs under these conditions.

The only way to achieve sustainable gains in education, health, and public safety on our Reservations is to eliminate the hodge-podge of federal grants and grant requirements and return to base funding for each Tribe. OMB and federal agencies should be directed to streamline their programming to Indian country; In particular this is necessary for those Regions with Large & Needy Tribes. The poverty that is reinforced by the larger society, economy and political system, permeates our tribal nations. This has everything to do with forces that are largely outside of the control of tribal governments or even individual families. Four of the most impoverished Counties in the United States are in the Great Plains region.

We would like to see funding streams consolidated, reporting requirements simplified and streamlined, and all federal agencies, especially the BIA and I H S should be directed to stop the creation of massive sub-agencies in cities, and to start returning funding and decision making authority to the regional and reservation level.

Until the United States returns to its treaty obligations and provides base non-competitive funding to Tribal governments for education, health care, and public safety, improvements in these areas will continue to be limited. Tribal Nations know what our problems are. We know what our needs are. We can solve these problems, but it requires restoration of the base funding necessary to exercise self-determination and restoration of local control with line authority from the reservation/agency to D.C., rather than from the top down.

More Specific recommendations:

Education

The Great Plains Region has approximately one-third of all tribal schools in the United States and 10 of the Tribal Colleges. Tribal education in the Great Plains region is at the center of this region's tribal Priorities and we are proud of our practice of Self-determination and Administering Tribal Schools.

- Develop a comprehensive national Indian education agenda to allow tribes to develop education systems from cradle to grave.
- Adequately Fund Tribal Education Departments as State Education Agencies under Department of Education funding sources and stop providing funds to BIE to act as the State Educational Agency for all tribes nationwide.
- Promote Tribal Education Department Development of Curriculum. Each Region is different, we are not all the same and the same is not equal
- The GPTCA requests full consideration for cultural, political and economic differences
- Fund the Schools before you fund BIE initiatives at the national level.
- Forward Funding under the TCSA and ESEA Should be Held at the Tribal Education Department Level and Reservation Level for investment and not within BIE.

- Enforce 25 U.S.C. § 2011 Government-to-Government “Meaningful” Consultation Requirements in Developing a New or revised MOU between the Department of Education and the Bureau of Indian Education
- Fully Fund Tribal Colleges and Set Aside Funds from TRIO for tribal colleges.
- Halt Efforts to Apply NCLB to TCSA schools and permit immediate waivers of requirements. The Tribally Controlled Schools Act provides for Tribes to operate schools and receive single grants for all purposes. Yet, the BIE funds school operations and maintenance at less than seventy percent of the need, all the while creating new administrative positions in Washington, D.C. and Albuquerque, New Mexico.
- Restore functions & authority of Indian Education to the Bureau of Indian Affairs & Indian Affairs, to allow improved cost effectiveness and in keeping with consolidation. This would improve communication at the local reservation level.
- Restore funding for Construction so all of our tribal schools can be repaired or replaced over the course of the next five years.

Tribal Position on Process

The Great Plains Treaty Tribes are opposed to ranking and prioritizing programs in Indian Country. All programs are basic life, critical necessities that, historically, have not been fully funded. All TPA programs are a priority and essential to the overall livelihood of the Tribal members and the operation of the Great Plains Tribal governments. However, as the budget process requires a program prioritization these needs have never been met.

It is illustrative that the 2012 and 2013 budget cuts will impact future budgets. We ask Congress to protect the budgets that are the very life for the First Nations, especially our Large & Needy Tribes. As it stands, The President’s commitment to Indian Country and the Bureau of Indian Affairs Mission Statement are not supported in any previous budgets and to support further budget cuts in the proposed 2013 budget is sending the wrong message to Indian Country.

BIA programs are being decreased or eliminated based on the assumption that other Federal departments or agencies are fulfilling those roles and responsibilities to Tribes and their membership. The Great Plains tribes have consistently opposed the reorganizing of line authority and funding away from the BIA.

Tribal Priority Programs

Tribal Priority Allocations (TPA) funding, base and non-base, Agency or Tribal, must be excluded from all reductions or any proposed freezes. The FY 2012 Administrative Savings Reduction, when applied to Agency TPA Programs, unfairly and disproportionately impacts Direct Service, Large Land Based Tribes and to a greater extent than Self-Governance Tribes.

Office of Justice Services programs need to be funded at an adequate funding level for all Tribal and agency operated programs (law enforcement, Tribal Court and corrections) to fully implement and comply with the 2009 Tribal Law and Order Act.

Transportation funding is crucial in order for Tribes and agencies to provide safe roads and bridges for all who utilize them. Funding is not at a level to support the Federal responsibility in this area.

Housing

Home Improvement Program (HIP). Increase the Federal Income Poverty guideline eligibility from 125% to 225%. HIP is very important to the GPTCA.

The 2012 need for the Large Land based Great Plains Tribes is \$228.5 million vs. the current minimal amount of \$25 million Bureau-wide.

Many of our houses are dilapidated and have Black Mold, creating health issues. Funding needs to be available for maintenance or replacement. Tribes have turned to Trailers which don't last, now we have "Trailer Graveyards"

In the Great Plains, The waiting list for a home is 5+ years with no guarantee even then.

The housing need is great, but it is impossible to capture an actual assessment of need as many will not come forward to be counted. Many are homeless so they reside with a family member who then fears eviction because of stringent federal guidelines.

Trust and Natural Resources

The protection of land and natural resources is critical to maintaining the Great Plains tribal land base. The Region has one of the largest land bases in Indian Country, and the most fractionated interests. Limited funding resources have not allowed the BIA to fulfill its trust obligation in protecting and enhancing these resources for the 1.7 million land owner and tribal interests. When OST was separated (Stove piped) services and authorities were reduced.

The Great Plains region has the responsibility for managing and protecting 6.1 million acres of Tribal and allotted lands for approximately 90,000 individual land owners. The annual value of grazing to the Indian landowners and Tribes is approximately \$18 million. \$14 million for farm pasture and farm leases. 25 CFR 166 requires the development of reservation-specific Agricultural Resource Management Plans (ARMP) and Range Unit-specific Conservation plans to protect the trust resources of the Indian Landowner.

Lease Compliance and Unresolved Rights funding must be restored. These activities continue to operate but at the expense of other TPA programs.

The GPTCA is in favor of a Sunset to OST, but believe some strides have been made so we support a merger of functions and authorities back to the Bureau of Indian Affairs. This will allow the Tribes to have essential and meaningful communication and service at the local agency and regional level rather than expending scarce dollars to go to Albq. or Washington DC. In the Great Plains we have a back log of land appraisals which is unacceptable given the large land base we manage. Some Tribes have been waiting from 3-5 years for an appraisal because functions are distributed among BIA, OST, Minerals & Energy and various offices and there is no hurry by staff.

Economic Development

The 2010 National Census data revealed the following South Dakota counties as four of the ten poorest in the nation: Ziebach (Cheyenne River Sioux Tribe), Todd (Rosebud Sioux Tribe), Shannon (Oglala Sioux Tribe), and Corson (Standing Rock Sioux Tribe). It is an epidemic that needs Congressional attention to aid the Tribes in moving toward reducing poverty levels that plague the Great Plains Region. The average unemployment rate on reservations in the Great Plains Region is 77%. Economic Development is imperative to improving the quality of life for tribal members through job creation. The GPTCA requests a special category/consideration for Large & Needy Tribes

Tribes within the Great Plains Region lack the economic resources and infrastructure to jump start their economies and to fully implement the Department's initiatives for alternative and/or renewable energy projects. Establish a category for Large & Needy Tribes to concentrate services to the Treaty Tribes who have the greatest challenges.

Restore full funding to the Indian Guaranteed Loan Program of at least \$3 Million and return Credit to the Regional Offices.

Complete and Publish annually the Labor Force report & statistics, this will assist Tribes in obtaining formula based funding.

Restore all the programs, functions & authorities to Indian Affairs and the Bureau of Indian Affairs. The reorganization that created the super agency called Office of Indian Energy and Economic Development Office was not supported and the Tribes have been proven correct by the lack of service and sheer distance from the Reservations and ineffectiveness to work with the Tribes in successful economic development. This would restore funding and administrative authority back to the Regional Office and Agency level where the Tribes would have full access.

The Great Plains Tribes support the increased funding for contract support costs and opposes any cuts.

Welfare Assistance

General Assistance provides monetary grants to eligible clients. Of the 167,000 service population, approximately 44,205 people are served annually and provided with an average sole source income of \$218 per month. The GPTCA requests no cuts and full continuation of GA.

Child Assistance provides for the care of abandoned or neglected children placed in foster homes, private or group or residential homes designed to provide special care. Approximately 2,134 children have been placed in special care. Child Assistance had come under fire in the Great Plains and the GPTCA requests full compliance with the Indian Child Welfare Act.

The *Indigent Burial Program* provides burial grants to eligible members. The GPTCA requests full funding for Burial Assistance.

Emergency Assistance is provided directly to individuals who suffered extensive loss to homes and personal property due to fire, flood or other calamities and is used for essential needs of food, shelter and utilities. The GPTCA requests full funding for Emergency Assistance. In 2011, \$53,057 was expended to provide assistance to 198 victims at an average of \$268.

Indian Healthcare

The GPTCA appreciates the overall increases to I.H.S it is very positive and much appreciated.

Funding is still requested for Facilities Construction, Renovation & Maintenance.

The GPTCA requests Reauthorization for the Special Program for Indian Diabetes (SPID).

The GPTCA supports the continuation of this program.

The GPTCA supports and urges efforts to initiate new funding in order to make the promises a reality for IHCA Implementation. Indian Health Care Improvement Act (IHCA) Amendments require DHHS and the Indian Health Service (IHS) support and funding

The GPTCA supports improved funding for the following:

- VA-IHS Partnership Initiative
- Improved Billing & Collection.
- ND and SD state-wide CHS Designation (CHSDA)
- Long-term Care – new authority, funds to HIS

The GPTCA opposes Transfer of IHS. There has been discussion of transferring our Indian Health Service agency budget and appropriation accounts to the DHHS-Labor-Education

account. We are strongly opposed to this initiative. The GPTCA adopted a resolution on this matter and we share this with you today.

Office of Justice Services

Request full transparency from OJS with Improved Communication and Cooperation.

Transfer Line Authority and functions back to BIA. Again, service is far away and Tribes want service at the agency and regional level. This would improve the slow hiring process.

Fair and Equitable Funding between Direct Service and 638 Programs in all areas including equipment, vehicles, salaries, participating in workshops & training etc.

Congress should make housing available for Officers who reside in very rural areas.

Complete development and fully fund the Police Officer training center at UTTC.

Law Enforcement

Provide adequate funding for OJS at the local agency/Tribal level and not at the top.

There is an additional need of approximately \$15.3 million dollars in the Great Plains Region to support additional police officers to both the Bureau and Tribes; provide for Emergency Response Teams; Training; ensure each program has K-9 Teams; provide or update equipment and vehicles; and to conduct required community assessments for the 16 tribes in the Region.

With the opening of 4 new facilities in the Region, The Great Plains Tribes are requesting additional funding to support the operations, staffing and administration of these facilities.

\$4.7 million is expended annually for commercially contracted bed space for those tribes and agencies who do not have their own facilities. The new facilities when open will reduce the need for contracted bed space.

Historically, funding for O&M of Facilities has been constrained to 47%. The Great Plains Tribes are requesting 100% of O&M funding for not only the new facilities, but the current facilities.

Tribal Courts

The GPTCA requests Congress adequately fund the 2009 Tribal Law and Order Act; currently it is an unfunded mandate requiring tribes to implement additional services.

While we are pleased for the slight increase for Tribal Courts, it isn't enough. Increase Tribal Court Funding

The tribes in the Great Plains Region would like to see funding for an Office & point-of-contact at the regional level to provide technical expertise in updating individual law and order codes, court processes and corrective action plans.

Transportation

Increase the Road Maintenance Funding to at least \$5.Million with consideration of Large & Needy tribes. In 1991, the Great Plains Road Maintenance program was funded at \$3.8 million. Twenty years later in 2011, the program was funded at \$3.6 million.

The *final* 2012 Great Plains Road Maintenance program is funded at \$3.4 million, \$200,000 less than 2011. The President's 2013 Budget is proposing a further Bureau-wide cut of \$320,000. This is not acceptable.

We estimate the Great Plains Region is funded at less than 15% of what is needed to provide required road maintenance.

Indian Reservation Road funding, must be limited for use on the interior Reservation Roads only. The Great Plains Tribal Chairman's Association supports the new manager amendments to the MAP 21 Highway bill, that allows for a more equitable distribution of Transportation funding to large land based tribes with more needs and higher inventories. But the funding in the legislation is barely maintaining current funding levels for the Indian Reservation Roads program and needs to be increased to at least \$500,000.00.

Direct funding to large land based tribe for emergency preparedness. The Great Plains specifically requests the Administration to work with the Great Plains Tribes on developing a direct funding and technical assistance program for the Great Plains. This should include funding for emergency preparedness and long-term recovery plans for those Tribes who are in need of such plans.

Thank you for allowing me to present Testimony and I will answer any questions or if I can't I will furnish the response in writing to you later.

Chairman Robert Shepherd